

## **REMARKS**

This RCE is filed in light of additional references that Applicants have become aware of as the result of litigation involving a patent application related to the present application. Applicants submit herewith a Supplemental Information Disclosure Statement and Form 1449 listing those references.

### **Claim Status**

Claims 8, 19, 22, 33 and 40 have been cancelled.

Claims 10-15, 17, 18 and 32 have been amended to refer to proper dependencies as result of the above cancellations.

Appellant respectfully submits that the foregoing amendments do not introduce any new material into the present application. With the present amendments, claims 7, 9-18, 21, 23-27, 29-32 and 34-39 are currently pending.

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This document is accompanied by a Request for Continued Examination (RCE) under 37 CFR §1.114 and filed within two months from the date of the Notice of Appeal in accordance with MPEP 1205.01. No extension fees are believed to be due. However, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct such fees from Howrey LLP Deposit Account No. 08-3038/12665.0009.CNUS01.

Respectfully submitted,



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I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA, 22313-1450.

  
Paula S. Linkhart

Serial No. 09/356,322  
Preliminary Amendments for RCE